

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**No. 16-cv-0736 RB/SMV
No. 09-cr-02968 RB**

DANIEL RAMON MUÑOZ,

Defendant.

ORDER LIFTING STAY

THIS MATTER is before the Court *sua sponte*. On July 11, 2016, this Court stayed proceedings in the present case, pending the ruling of the United States Court of Appeals for the Tenth Circuit on Defendant Daniel Ramon Muñoz's Motion for Permission to file a second or successive habeas petition under 28 U.S.C. § 2255. [CV Doc. 3; CR Doc. 533] On August 1, 2016, the United States Court of Appeals for the Tenth Circuit granted Defendant's Motion for Permission. [CV Doc. 4; CR Doc. 536] Because this Court now has authorization to consider Defendant's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 [CV Doc. 1; CR Doc. 531], the stay will be lifted.

The Court recognizes that, on August 3, 2016, the United States of America filed a Motion For Stay Pending the Supreme Court's Decision in *Beckles v. United States*. [CV Doc. 5; CR Doc. 537]. The Court will review the merits of Defendant's § 2255 motion under Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District

Courts after the disposition of the United States of America's motion for stay. [CV Doc. 5; CR Doc. 537].

IT IS THEREFORE ORDERED that the stay imposed in the Order Staying Case Pending Tenth Circuit Authorization Pursuant to 28 U.S.C. § 2255(h) [CV Doc. 3; CR Doc. 533] is LIFTED.



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE